

D R A F T

**TIVERTON PLANNING BOARD  
MINUTES OF SPECIAL MEETING  
September 22, 2015**

Chairman Stuart Hardy called the regular meeting of the Tiverton Planning Board to order at 7:00 P.M. at the Town Hall, 343 Highland Road. Members present were: Rosemary Eva, Susan Gill, Carol Guimond and Peter Moniz. Vice Chairman David Saurette and members Edward Campbell and Peter Corr were absent. Also in attendance were: the Planning Board's Clerk and Administrative Officer Kate Michaud, Town Planner Marc Rousseau, Director of the Department of Public Works Stephen Berlucchi and Town Solicitor Peter Skwirz.

Mr. Hardy asked for a motion to take the agenda out of order, addressing Item #2 first. Ms. Cote made a motion to address Item #2 prior to Item #1. Ms. Gill seconded the motion. The motion passed unanimously. Mr. Hardy, Ms. Eva, Ms. Gill, Ms. Guimond and Mr. Moniz voted in favor of the motion.

**1. Town of Tiverton – 343 Highland Road – Tiverton, RI 02878 – Review of the Tiverton Comprehensive Community Plan Draft Amendments: Forwarded by the Comprehensive Plan Advisory Committee (CPAC) – Element 5: Land Use – A. Review / Comment / Discussion / Revision in Preparation for Assembly of Full Draft for Formal Review and Action – B. Vote to Send Assembled Draft to Town Council with Cover Letter**

This item was taken out of order, after Item #1. CPAC member Patricia Hilton was present to discuss Element 5. Mr. Hardy stated that a draft document was not ready for distribution, but that Ms. Hilton was present to give a basic overview of the proposed changes. Ms. Hilton stated that the "Future Land Use Map" was discussed at the most recent CPAC meeting. She stated that the "Town Center" study area was determined to be moot, as it had been taken up by the Town Council some time ago and voted down. Ms. Hilton stated that her subcommittee had worked on draft language, but that it still needed CPAC review. She reviewed the major concepts and tasks, including:

- Determine consistency between the Zoning Ordinance and Comprehensive Community Plan, and setting a time frame for resolving any inconsistencies,
- Study the industrial areas and possibly create more than one industrial zoning district – lower impact and higher impact.
- Evaluate the Village Commercial District.
- Create a waterfront study area from Nanaquaket Pond to the Fall River line, considering effects of sea level rise and hurricane inundation.
- Look at all Zoning Districts in areas subject to flooding and inundation.
- Discuss issues relating to zoning enforcement.
- Document pre-existing non-conforming uses.
- Evaluate utilities and infrastructure, including potable water.
- Review and update Watershed Protection Overlay District regulations.
- Review buildout information as it relates to zoning and the ability to provide services.
- Formally require Low Impact Development (LID) techniques.
- Update the GIS to include TMDL's and public wellheads.
- Consider a well protection ordinance.
- Review siting of utility and accessory structures.
- Review, and modify as necessary, impact fees.
- Look at design guidelines; determine if some should be regulatory
- Review development trends to ensure that mixed use does not become primarily residential.

Mr. Hardy stated that he was anticipating that a CPAC meeting would be held shortly to review this element, after which time it would be distributed to the Planning Board. He stated that it would be distributed at least five (5) business days prior to a meeting to discuss.

**2. Deanna J. Peckham Living Trust – c/o Civil Engineering Concepts, Inc. – 34A Main Street – Little Compton, RI 02837 – Pre-Application Informal Concept Plan Review – Five (5) Lot Minor Subdivision**

**(Road Required) – Rural Compound – Plat 801 / Lot 102 – S/S and E/S Puncateest Neck Road – West of Nonquit Pond in R-80 Zoning District – Portion of Lot within Watershed Protection Overlay District – No Votes – No Time Clock**

This item was taken out of order, before Item #1. Engineer William Smith of Civil Engineering Concepts, Inc. was present on behalf of the petition. Mr. Smith described the parcel, stating that it contained approximately 21.7 acres of land area. He stated that the applicant was proposing to create a five lot rural compound subdivision, keeping the proposed road and drainage out of the Watershed Protection Overlay District (WPOD) as much as possible. Drainage would be concentrated towards the western end of the parcel. The subdivision would include protected open space and would utilize private wells and septic systems. Mr. Smith stated that a private gravel road would be proposed, with its location in the vicinity of the existing farm road.

Ms. Eva asked if the view easement depicted on the plan was subtracted from the suitable land area. Mr. Smith replied that he thought it was, but that he would need to verify. A discussion ensued regarding density and the lot yield calculation. Mr. Smith stated that he would submit a copy of the view easement.

Mr. Berlucchi inquired about the sight distance for the proposed road. Mr. Smith replied that it was “pretty good”. Mr. Berlucchi noted that a paved apron would be required.

Ms. Eva stated that the legend and title block must be corrected. She stated that the road was not “Puncateest Neck Road”, but was “Neck Road”. Mr. Smith stated that there would probably be individual treatment systems (infiltrators) proposed for each roof. Ms. Michaud briefly described the Planning Board’s process for inspection of infiltrators, with the cost of inspection to be pre-paid upon application for a building permit.

Ms. Eva suggested that Mr. Smith should review the density calculation submitted. Mr. Hardy stated that an Environmental Review Statement (ERS) should be performed at the Master Plan stage, with the building envelope and house size depicted. He added that if a future owner would like to change the size or location of the dwelling, they could return to the Planning Board with an amended ERS. Mr. Hardy welcomed comments from Conservation Commission Chair Patricia Hilton. Ms. Hilton stated that it appeared that the watershed line depicted on the plan was different than what was depicted on the Town’s GIS. She added that it appeared that the proposed roadway would be located within the watershed area. She stated that she was concerned with the density of development proposes and the proposed drainage. She asked the applicant to give consideration to stormwater and resulting nutrient loading. She asked if the open space would continue to be used for agricultural purposes. Ms. Hilton stated that it was the position of the Conservation Commission that the Open Space area should be managed with natural growth and not used for agriculture or recreation. She added that this could help to offset the impact of five (5) new septic systems.

Mr. Hardy asked if there was any data available regarding agricultural impacts on Nonquit Pond. Ms. Hilton replied that there was no data at this time, but that in general agricultural uses without Best Management Practices (BMP’s) in place were identified as a source of pollution. Mr. Hardy stated that he would like to see the Open Space left natural and not farmed.

Ms. Guimond asked if the lot sizes could be increased. Mr. Smith replied that they could be, but that he thought that the Open Space was preferred by the Board.

Barbara Martin, 313 Puncateest Neck Road, stated that she was an abutter across the street. She submitted a copy of the agreement that created the view easement for the Board’s file.

There were no votes taken. The next step would be for the applicant to file a Preliminary Plan application.

**3. Stafford Point Condominiums - c/o Westport Horizons Development Corp. – PO Box 337 – Adamsville, RI 02801 – Pre-Application Informal Concept Plan Review – Major Land Development – Multi-Family Condominium – Ten (10) Units Including One (1) Affordable Unit – Plat 213 / Lot 134 – W/S Stafford Road – E/S Old Stafford Road in R-60 Zoning District – Portion of Lot within Watershed**

**Protection Overlay District – No Votes – No Time Clock** Engineer William Smith of Civil Engineering Concepts, owner / applicant Richard LeBlanc of Westport Horizons Development Corp. and attorney Cort Chappell were present on behalf of the petition. Ms. Guimond recused herself and left the table. Mr. Hardy stated that the Board's legal counsel had raised an issue regarding multiple structure multi-family housing. He stated that he would like to ask the Building / Zoning Official to give a written opinion on the issue.

Mr. Skwirz reviewed Zoning Ordinance Article V, Section 2b, which prohibited multiple primary use structures on a residentially zoned parcel. He stated that approval of the application would require a zoning variance and a special use permit, and that concurrent applications were not permitted. Mr. Chappell stated that past practice in the Town of Tiverton allowed for multiple structures. He added that Portsmouth had amended regulations to allow for concurrent variance / special use permit applications. Mr. Hardy stated that the minutes from previous discussions regarding multiple structure multi-family development (Bayview Condominiums – Northborough Realty) were distributed and that he found them to be confusing and contradictory. Mr. Chappell replied that there were other examples of special use permit / dimensional variance applications that had been approved by the Town.

Mr. Chappell stated that he did not think that the project would change substantially if the applicant chose to connect the structures into one building utilizing a connecting archway. He opined that it would be more aesthetically pleasing to construct two buildings. He stated that the impervious surface calculations would change with a single building because the driveway would be relocated. Mr. Hardy stated that he would like to see an architectural rendering. He added that he would prefer a less linear layout. Ms. Michaud noted that a Design Plan Review would be required in accordance with Zoning Ordinance Article XX. Mr. Hardy and Mr. Moniz stated that they would like to see the building design at Master Plan.

Mr. Chappell stated that construction was not proposed within the Watershed Protection Overlay District. Mr. Smith reviewed the engineering plan, stating that the existing concrete pad would be removed but the silo would remain. He reviewed concepts for landscaping and parking. Mr. Hardy stated that he usually preferred to see fewer parking spaces or pervious parking areas. Mr. Berlucchi noted that the road names within the locus must be corrected. Water service was briefly discussed, with public water proposed off of Stafford Road. Mr. Smith stated that the intent was to install swales to control stormwater on site. Mr. Berlucchi asked if underground utilities were proposed. Mr. Smith replied in the affirmative.

Ms. Cote asked if there was any possibility of age restricting the units. Mr. LeBlanc replied in the negative. Mr. Chappell stated that the building design would be identical to Summerfield Condominiums, which was also constructed by Mr. LeBlanc.

Conservation Commission Chair Patricia Hilton stated that she was concerned about the stormwater runoff from the parking areas and nutrient loading in Stafford Pond from the septic systems. She suggested that grading on site should be designed to minimize runoff in the direction of to the Pond. Mr. Smith stated that the applicant would propose to maintain as many trees and stone walls as possible.

Ms. Michaud noted that the applicant would need to present a plan depicting 30% affordable housing, which the Planning Board could accept or reject.

Mr. Hardy asked to return to the issue of multiple structure multi-family development. Ms. Cote made a motion to request a written opinion from the Building / Zoning Official. Ms. Eva seconded the motion. Mr. Skwirz stated that it was clear that there was only one primary use structure per lot in residential zones, unless some other exemption is offered elsewhere in the ordinance. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Mr. Hardy and Mr. Moniz voted in favor of the motion. Ms. Guimond did not vote.

There were no votes taken regarding the Pre-application Informal Concept Plan. The next step would be for the applicant to file a Master Plan application.

## **2. Tiverton Planning Board**

### **A. Miscellaneous**

**1. S. Gill: Discussion Regarding Residential Growth Controls and Municipal Service Capacity – Possible Recommendation to Town Council** Ms. Gill stated that her observation as a junior member was that the Board is always reacting to applicants and applications. She stated that there were some big issues to address, including potable water supply and watershed protection. She noted that there were many dwelling units that had been approved but had not yet been constructed. A brief discussion ensued regarding water availability and the cost of infrastructure improvements. Ms. Gill raised the potential for a residential development moratorium in order to assess the ability of the Town to adequately service new development and existing development. School Committee Chair Sally Black stated that the School Committee tracks potential growth and that it would be an issue of discussion at one of their future meetings. Ms. Guimond suggested that the Board could add a meeting each month to absorb the issues and work on long-term planning. Audience member Renee Jones stated that the Board does not get a lot of information from the developers up front. Ms. Gill asked if the Board could prioritize non-residential development over residential development. Mr. Skwirz noted that the Future Land Use Map (within the Comprehensive Community Plan) should depict desired future development and that development must be consistent with the Comprehensive Community Plan. Mr. Hardy stated that he could be at the next Town Council meeting to discuss this issue if they so desire.

**2.** Ms. Eva noted that Ms. Michaud had notified the Board that the **Letter of Credit for Abel Hart Commons** had been extended to **September 28, 2016**.

**B. Adjournment:** Ms. Cote made a motion to adjourn. The motion was seconded by Ms. Gill. The motion passed unanimously. Ms. Cote, Ms. Eva, Ms. Gill, Ms. Guimond, Mr. Hardy, and Mr. Moniz voted in favor of the motion. The meeting adjourned at 9:30 P.M.

*(Italicized words represent corrections made on the approved date.)*

Submitted by: \_\_\_\_\_  
Kate Michaud, Clerk

Approval Date: DRAFT